

Morrow and Morrow, Inc.
188 Clear Creek Valley Drive
Ellijay, GA 30536

Received & Inspected

FEB 01 2011

FCC Mail Room

Robert Morrow
President
(706) 636-4283

(706) 636-5227 fax

Georgia Morrow
Vice President
(706) 636-4286

January 28, 2011

FCC Appeal of USAC Decision

CC Docket No. 02-6

Appellant: Barrow County School District (BEN 127390)
Contact Person Name: Robert Morrow
Contact Mailing Address: 188 Clear Creek Valley Drive, Ellijay, GA 30536
Contact Phone Number: 706-636-4283
Contact FAX Number: 706-636-5227
Contact E-mail: bobmorrow@earthlink.net

We are appealing the denial of the following invoice:

Service Provider Name: MXN Corporation
Submitter Invoice Number: USAC26057
SLD Invoice Number: 1419331
Funding Request Number: 1860403

MXN delivered \$13,644.80 worth of equipment to Barrow County School District in late March in several shipments. A Form 486 was filed in early May, 2010, setting April 28 as the Service Start Date. This was the date the equipment was installed. (EXHIBIT 1)

MXN's invoice to USAC went into Invoice Review on December 7 (EXHIBIT 2), and was subsequently denied funding on December 19 because the equipment was delivered before the Service Start Date. This was verified with the Invoice Reviewer through the SLD Hotline (Case 22-148640). Obviously, it was too late to file a Form 500 or file an appeal to move the Service Start Date back.

In my 8 years working in the E-rate program, there has been little guidance provided on how a Service Start Date is established, particularly for equipment. The Form 486 itself provides little guidance. At a USAC applicant training conference three years ago, the presenter was asked to give a precise definition of the Service Start Date. He responded that USAC shies away from such a definition, letting the applicant and service provider work together to establish that date. A request made recently to the SLD for clarification was equally vague (EXHIBIT 3), but appears to support Barrow County School District's Service Start Date approach.

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Per ABCDE

Every good program runs on rules and regulations, but applicants have to know what they are. In the case of the Service Start Date such information is lacking and the SLD itself seems to encourage a flexible approach.

We are asking that the service provider be able to invoice using the current Service Start Date and that USAC be instructed to either post more detailed information about establishing Service Start Dates or require its invoicing section to embrace the same flexibility it espouses. If that is not acceptable, we ask that the district be given permission to move the Service Start Date back to an acceptable date. While we are long past the 60-day appeal limit for the Form 486, the problem did not become apparent – and thus make an appeal necessary -- until mid-December.

I am ready to provide any additional information you may require,

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Allfower". The signature is written in a cursive, flowing style with a large initial "R".



EXHIBIT 1

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FCC Mail Room
Schools and Libraries Division

FORM 486 NOTIFICATION LETTER
(Funding Year 2009: 07/01/2009 - 06/30/2010)

May 19, 2010

Robert Moirrow
BARROW COUNTY SCHOOL DISTRICT
188 Clear Creek Valley Drive
Ellijay, GA 30536

Re: **Form 486 Application Number: 732875**
Applicant's Form 486 Identifier: BarMXN

This letter is to notify you that the Universal Service Administrative Company (USAC) has received and accepted an FCC Form 486, Receipt of Service Confirmation Form, from you. This notification is to confirm the information that you provided. This information is being shared with the service provider whose SPIN you identified on each Funding Request Number (FRN).

You may be receiving this letter to revise or correct a previous Form 486 Notification Letter. The information contained in this letter supersedes any previous notification you may have received, including, but not limited to, a previously adjusted Service Start Date or previously reduced funding commitment.

NEXT STEPS

Discuss with your service provider whether you would like discounts on your bills or to pay your bills in full and be reimbursed for discounts.

Invoice USAC before the invoice deadline using the applicant invoice (BEAR Form - FCC Form 472) for reimbursements after paying the bills in full or the service provider invoice (SPI Form - FCC Form 474) for discounts. Whichever method you choose, you must pay your non-discount portion, as stated in Program rules. Program rules also require that participants maintain all documentation for at least five years after delivery of discount service.

TO APPEAL THE SERVICE START DATE/FUNDING COMMITMENT CHANGE DECISION

If you wish to appeal the Service Start Date change(s) and/or funding commitment adjustment(s) indicated in this letter, your appeal must be received by USAC or postmarked within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and (if available) email address for the person who can most readily discuss this appeal with us.

2. State outright that your letter is an appeal. Include the following to identify the letter and the decision you are appealing:
 - appellant name,
 - applicant or service provider name, if different than appellant,
 - applicant BEN and service provider SPIN,
 - Form 486 Number 732875 and FRN(s) as assigned by USAC,
 - "Form 486 Notification Letter for Funding Year 2009", AND
 - the exact text or the decision that you are appealing.
3. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal, including any correspondence and documentation
4. If you are an applicant, please provide a copy of your appeal to the service provider(s) affected by the USAC's decision. If you are a service provider, please provide a copy of your appeal to the applicant(s) affected by the USAC's decision.
5. Provide an authorized signature on your letter of appeal.

To submit your appeal to USAC by email, email your appeal to appeals@sl.universalservice.org. USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to us by fax, fax your appeal to (973) 599-6542.

To submit your appeal to us on paper, send your appeal to:

Letter of Appeal
Schools and Libraries Division - Correspondence Unit
100 South Jefferson Road
P.O. Box 902
Whippany, NJ 07981

You have the option of filing an appeal with USAC or directly with the Federal Communications Commission (FCC). You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received by the FCC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. We strongly recommend that you use the electronic filing options described in the "Appeals Procedure" posted on our website. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554.

A guide to the data reported in our letter reports is posted in the Reference Area of our website. Complete Program information, including invoice deadlines is also posted on our website. You may also contact our Client Service Bureau by email using the "Submit a Question" link on our website, toll-free by fax at 1-888-276-8736, or toll-free by phone at 1-888-203-8100.

Schools and Libraries Division
Universal Service Administrative Company

FORM 486 NOTIFICATION LETTER REPORT
(Funding Year 2009)

Received & Inspected _____

FEB 01 2011

FCC Mail Room

Funding Request Number: 1860403
Form 471 Application Number: 681012
Service Provider Name: MXN Corporation
Service Provider Identification Number: 143020138
Billing Account Number: N/A
Service Start Date: 04/30/2010



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FEB 01 2011

FCC Mail Room

From: PIAInvoicing [mailto:PIAInvoicing@sl.universalservice.org]
Sent: Tuesday, December 07, 2010 9:11 AM
To: Deborah Arnett
Cc: Deborah Arnett@1-770-926-9448
Subject: Form 474 / SLD Invoice 1419331 / Your Invoice USAC26057

Applicant Name: Barrow County SD
 Service Provider (SP) Name: MXN Corporation
 Submitter Invoice Number: USAC26057
 SLD Invoice Number: 1419331
 Funding Request Number (FRN): 1860403
 Undiscounted Amount: \$13,664.80
 Requested Amount: \$10,931.84

I am reviewing your request for reimbursement of the aforementioned FRN. Please send me a copy of the detailed invoices sent to the applicant for the products/services provided.

Please provide the page(s) that indicate the following:

- Bill Date / Ship Date
- Service Provider Name
- Total Current Charge
- Bill-To Entity (Name & Address)
- Description of Products/Services Delivered

Please provide this information to me as soon as possible within the next 7 calendar days by **End of Day Tuesday, December 14, 2010**. Failure to do so may result in a reduction or rejection of the invoice, without further request. In this event, please ensure you have all necessary documents collected before resubmitting your request. If you have any questions, please contact me within this 7 day period.

Thank you for your cooperation and continued support of the Universal Service Program.

Steve Stramaglia
 Associate Manager - Invoicing
 Schools and Libraries Division - E-Rate Program
 Phone: 973-581-5153
 Fax: 973-599-6539
sstrama@sl.universalservice.org

EXHIBIT 2



Invoice

PMB306
1025 Rose Creek Dr., #620
Woodstock GA 30189
US
www.mxncorp.com
darnett@mxncorp.com

Date 3/30/2010
Invoice # INV26057
Terms Net 30
Due Date 4/29/2010
PO # 65000143-00
Sales Rep Bob Patrick
Ship Via Best Way
email darnett@mxncorp.com

Bill To

Barrow County Schools
179 West Athens Street
Winder GA 30680

Ship To

Barrow County Schools
179 West Athens Street
Winder GA 30680

Remit To

MXN Corporation
PO Box 65193
Charlotte, NC 28265-5193

Part		Description		Unit Price		Amount	
J8699A	.2	WBMS					
J8705A	.2	ProCurve Switch 5406zl-48G Intelligent Edge		4,058.84		811.77	
J4858C	1.6	ProCurve Switch zl 20 Gig-T + 4 mGBIC Module		2,029.42		405.88	
J9088A	1.8	ProCurve Gigabit SX-LC Mini GBIC		243.02		388.83	
Shipping and Handling	1	ProCurve Switch 2610-48		625.82		1,126.48	
		Shipping and Handling		160.93		160.93	

Total \$2,893.89

From: sldnoreply@sl.universalservice.org
To: bobmorrow@earthlink.net
Date: 1/12/2011 11:36:10 AM
Subject: RE: Initial Contact- Case 22-151667

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Thank you for your inquiry. We do not have a specific definition but basically when your services start for recurring services, it is normally July 1st of that Funding Year. For non recurring services, the service start date could include either when services are being installed or you could also list the date of the purchase order.

If you have any further questions, please feel free to contact our Schools and Libraries Helpline at 1-888-203-8100. Please remember to visit our website for updates: <http://www.usac.org/sl>

Thank you,
Schools and Libraries Division
Universal Service Administrative Company

-----Original Message-----

From: bobmorrow@earthlink.net
Subject: Initial Contact

[FirstName]=Robert
[LastName]=Morrow
[JobTitle]=President, Morrow and Morrow, Inc.
[EmailAddress]=bobmorrow@earthlink.net
[WorkPhone]=7066364283
[FaxPhone]=7066365227
[PreviousCaseNumber]=0

[FormType]=486
[Owner]=TCSB
[DateSubmitted]=1/12/2011 9:25:20 AM
[AttachmentFlag]=N[BenOrSpinNumber]=127390
[ApplicantFormID]=BarMXN
[ApplicationNumber]=732875
[FundingYear]=FY12 (07/01/2009 - 06/30/2010)
[SPIN]=143020138
[FRN]=1860403

[Question2]=Where on the SLD's web site is there a specific definition of the Service Start Date and the rules for establishing a service start date in different situations?

**BARROW COUNTY SCHOOLS** Received & Inspected*"World class education, hometown values"*

FEB 01 2011

FCC Mail Room

Ron Saunders, Ed. D.
Superintendent

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Mark Still
District 9
At Large

Letter of Agency

Robert Morrow and Georgia Morrow of Morrow and Morrow, Inc. have authority to represent the Barrow County School District in all matters concerning E-rate filings before the Schools and Libraries Division for Funding Years 11, 12 and 13. This will include, but is not limited to, filings, reviews, Selective Reviews, audits and appeals.

They are also granted authority to obtain information from Barrow County School District's service providers and to represent the district to these service providers in all E-rate matters. The information they may obtain will be limited to account and billing information pertinent to E-rate funding.

John St. Clair
Technology Director
Barrow County School District

Date: 1/4/2010